

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,) No. 3:07-CR-68
V.) (Jordan / Shirley)
)
)
PHILLIP LYNN SHEETS,)
)
 Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on July 11, 2007, for initial appearance and arraignment on the indictment in this case filed June 20, 2007. Defendant Phillip Lynn Sheets was present at the hearing with his attorney Jonathan Moffatt. Assistant United States Attorney Robert Simpson was present on behalf of the United States. Mr. Sheets has previously appeared before the Court on an underlying criminal complaint.

Before the hearing on July 11, 2007, Attorney Moffatt filed a Notice of Insanity Defense on behalf of Mr. Sheets, pursuant to Federal Rules of Criminal Procedure Rule 12.2(b). [Doc. 11]. At the hearing, Attorney Moffatt expressed his imminent intention to file a companion motion requesting that the Court order a mental competency evaluation of Mr. Sheets. AUSA Simpson informed the Court that the government was not opposed to the anticipated mental evaluation request, deferring to Attorney Moffatt's experience with Mr. Sheets.

Given the questions raised as to Mr. Sheets' mental competency, the parties agreed that it was necessary to continue the arraignment proceedings for a short time. The Court reaches the same conclusion. This matter is reset for arraignment or hearing of the proposed motion for competency evaluation, as may be appropriate, on **Monday, July 16, 2007, at 1:30 p.m.**

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge